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CONCORD, N.H.

Mr. Jonathan A. Osgood
Superintendent of Schools
Salem, New Hampshire

Dear Mr. Osgood:

You have requested an interpretation of R. L. chapter 135, section 12. This statute reads:

"12. Fuel; Repairs. The school board shall provide necessary fuel, and shall make such occasional repairs of the school houses and furniture as may be necessary, not exceeding in cost five per cent of the school money".

It is our opinion that this section requires a school board to provide necessary fuel for heating schools regardless of cost and requires the school board to make repairs but such repairs to be limited in cost to five per cent of the school appropriation.

The interpretation placed upon this section by you would render meaningless the last phrase of the section "not exceeding in cost five per cent of the school money". It is basic that we cannot ignore statutory language. It is presumed that the Legislature included the words for a purpose. Upon examination the reason becomes apparent. In ignoring five per cent limitation on repairs the school board, if it desired, could expend any amount of money upon school buildings by terming their action "repairs". The Legislature apparently felt that five per cent of the school budget would be sufficient to provide for occasional repairs. Any sum in excess of this amount would probably come under the heading of "New Equipment" or "Capital Expenditure". Such items should be placed squarely before the voters of the school district.

I trust that this opinion will reach you prior to your school meeting.

Very truly yours,

HD:RM

Henry Dowst, Jr.
Assistant Attorney General